

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Annmarie Mallozzi, Individually and on behalf of
all others similarly situated,

SUMMONS IN A CIVIL ACTION

V.

INDUSTRIAL ENTERPRISES OF AMERICA,
INC.; JOHN MAZZUTO; JORGE YEPES;
DENNIS O'NEILL; and JAMES MARGULIES

CASE NUMBER: 07-CV-10321 (GBD)

TO: (Name and address of Defendant)

James W. Margulies
30100 Chagrin Bld, Suite 250
Pepper Pike, Ohio 44124

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Phillip Kim, Esq.
Laurence M. Rosen, Esq.
THE ROSEN LAW FIRM, P.A.
350 5th Avenue, Suite 5508
New York, New York 10118
Tel: (212) 686-1060

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

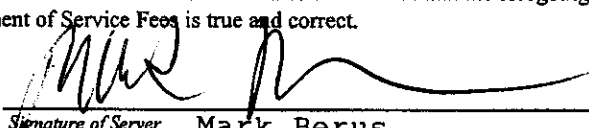
NOV 14 2007

CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE January 31, 2008	
NAME OF SERVER (PRINT) Mark Berus	TITLE Special Process Server	
<i>Check one box below to indicate appropriate method of service</i>		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: 30100 Chagrin Blvd, Ste 250 Pepper Pike, OH 44124. <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted: <input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 30%;"> <p>Executed on <u>02/04/08</u> Date</p> </div> <div style="width: 60%; text-align: center;">  Signature of Server Mark Berus PO Box 93447 Cleveland, OH 44101 <hr style="width: 100%;"/> Address of Server </div> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

State of Ohio
County of Cuyahoga

Affidavit of Process Server

United State District Court – Southern District of New York

Annmarie Mallozzi, Individually and *vs* Industrial Enterprises of America, Inc.; 07-CV-10321
on behalf of all others similarly et al.
situated

PLAINTIFF/PETITIONER

DEFENDANT/RESPONDENT

CASE NUMBER

I, Mark Berus, an employee of Cleveland Service Agency, Inc., being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action, that within the boundaries of the State of Ohio, I was authorized by law to perform said service, and that, to the best of my knowledge, the individual served is not an active member of a military service of the United States of America.

Service: I served

~~attempted to serve~~ James W. Margulies

NAME OF PERSON / ENTITY BEING SERVED

With (list documents) Summons and Complaint

By leaving with

James W. Margulies

at

NAME

RELATIONSHIP

30100 Chagrin Blvd Ste 250

Pepper Pike OH 44124

ADDRESS

CITY / STATE

On Thursday
DAY

01/31/2008
DATE

AT 12:30 PM
TIME

MANNER OF SERVICE:

☒ **Personal:** By personally delivering copies to the person being served.

☐ **Substitute / Residence Service:** By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household over the age of 18 and of suitable discretion and explaining the general nature of the papers.

☐ **Business Service:** By leaving, during office hours, copies at the office of the person/entity being served with the person apparently in charge thereof.

☐ **Non-Service:** After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reasons:

Service attempts: (1) _____ (2) _____ (3) _____
DATE / TIME DATE / TIME DATE / TIME

Description: Age 45 Sex Male Race White Height 5'6" Weight 170 Other _____



BRITTANY STAFFORD
NOTARY PUBLIC-Cuyahoga County
My Commission Exp. June 28, 2012
Commission #2007-RE-186541

SIGNATURE OF SPECIAL PROCESS SERVER

Cleveland Service Agency, Inc., PO Box 93447, Cleveland, OH 44101, (888)212-5614

SUBSCRIBED AND SWORN to before me this 4th

day of February, 2008.

SIGNATURE OF NOTARY PUBLIC, STATE OF OHIO
(STAMPED EXPIRATION DATE)